

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DENNIS GROMOV, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

BELKIN INTERNATIONAL, INC.,

Defendant.

Case No. 1:22-cv-6918

Judge Valderrama

Magistrate Judge Fuentes

**DECLARATION OF JASON A. IBEY IN SUPPORT OF PLAINTIFF’S MOTION TO
EXTEND CASE DEADLINES [ECF NOS. 55 and 56]**

I, Jason A. Ibey, declare:

1. I am an attorney admitted to the Northern District of Illinois on February 3, 2023, and have been a member in good standing since that time. I am also licensed in the states of California, Utah and Massachusetts.
2. I am a partner with the law firm Kazerouni Law Group, APC, and co-counsel for plaintiff Dennis Gromov (“Plaintiff”) in the above-captioned action against defendant Belkin International, Inc. (“Belkin” or “Defendant”).
3. I have personal knowledge of the following facts and, if called upon as a witness, could and would competently testify thereto, except as to those matters which are explicitly set forth as based upon my information and belief and, as to such matters, I am informed and believe that they are true and correct.
4. I am writing this declaration in support of the Plaintiff’s Motion to Extend Case Deadlines [ECF Nos. 55 and 56].

5. As of Plaintiff's counsel, I (along with my co-counsel Bradley Silverman) orally met and conferred with Defendant's counsel concerning extending case deadlines by 60 days (two months) on February 8, 2024. Counsel also further discussed the issue of a sampling of Belkin's power banks models. Plaintiff's counsel sent a follow-up email to Defendant's counsel on February 12, 2024.
6. On February 14, 2024, at approximately 6:26 p.m. Central (4:26 p.m. PT), Defendant's counsel emailed Plaintiff's counsel and stated: "Belkin will not stipulate to an extension of the discovery cutoff, but does not intend to oppose your motion to extend the discovery deadline. In the event that the discovery cutoff in this case is extended, it should be extended for both parties.
7. As of approximately February 12, 2024, it is my understanding that the parties were at an impasse concerning the issue of a sampling of Belkin's power bank products for purposes of discovery.
8. Counsel for the parties exchanged numerous written communications between the Parties, including, for example, on January 9, 2024, January 24, 2024, January 26, 2024, January 30, 2024, and February 9, 2024, relating to the discovery dispute concerning a sampling of Belkin's power banks models.

EXHIBITS

9. Attached as **Exhibit 1** is a true and correct copy of an email dated September 14, 2023 from is a true and correct copy of an email dated September 14, 2023, at approximately 8:41 a.m., from counsel for Plaintiff to counsel for Defendant in this matter. Highlighting has been added.

10. Attached as **Exhibit 2** is a true and correct copy of an email dated January 26, 2024, at approximately 2:19 p.m., from counsel for Plaintiff to counsel for Defendant in this matter.

Highlighting has been added.

11. Attached as **Exhibit 3** is a true and correct copy of an email dated January 30, 2024, at approximately 2:04 p.m., from counsel for Defendant to counsel for Plaintiff in this matter.

Highlighting has been added.

12. Attached as **Exhibit 4** is a true and correct copy of an email dated February 14, 2024, at approximately 4:26 p.m., from counsel for Defendant to counsel for Plaintiff in this matter.

I declare under penalty of perjury that the foregoing is true and correct, executed on February 14, 2024, pursuant to the laws of the United States of America, at St. George, Utah.

Respectfully submitted,

Date: February 14, 2024

/s/ Jason A. Ibey
Jason A. Ibey

Attorney for Plaintiff, Dennis Gromov

EXHIBIT 1

2/13/24, 3:53 PM

Kazerouni Law Group Mail - FW: Gromov v. Belkin - request for deposition dates

From: Bill Cash <bcash@levinlaw.com>

Sent: Thursday, September 14, 2023 8:41:22 AM

To: VanDoorne, Katelyn <Katelyn.Vandoorne@bakermckenzie.com>

Cc: Totino, Edward <Edward.Totino@bakermckenzie.com>; Sims, Nancy <Nancy.Sims@bakermckenzie.com>;

Shapiro, Peter <Peter.Shapiro@bakermckenzie.com>

Subject: Gromov v. Belkin - request for deposition dates

OK.

We are requesting the following depositions:

- Norbert Von Boode
- Jen Warren Wei
- Nick Kalra

Please provide us some dates during the first two weeks of October.

We are also going to ask for a 30(b)(6) deposition. However, as Belkin still hasn't concluded its document production, we are not able to do that yet. When will you finish the production?

Bill Cash III

Of Counsel

Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr, & Mougey, P.A.

316 South Baylen Street, Suite 600, Pensacola, Florida 32502

Phone: 850-435-7059

www.levinlaw.com

From: VanDoorne, Katelyn <Katelyn.Vandoorne@bakermckenzie.com>

Sent: Thursday, September 14, 2023 9:25 AM

To: Bill Cash <bcash@levinlaw.com>

Cc: Totino, Edward <Edward.Totino@bakermckenzie.com>; Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Shapiro,

EXHIBIT 2

2/13/24, 3:46 PM

Kazerouni Law Group Mail - RE: Gromov/Belkin - representative sampling



Jason Ibey <jason@kazlg.com>

RE: Gromov/Belkin - representative sampling

3 messages

Bill Cash <bcash@levinlaw.com>

Fri, Jan 26, 2024 at 2:19 PM

To: "VanDoorne, Katelyn" <Katelyn.Vandoorne@bakermckenzie.com>

Cc: "Totino, Edward" <Edward.Totino@bakermckenzie.com>, "Sims, Nancy" <Nancy.Sims@bakermckenzie.com>, Tracy Gilbert <tgilbert@levinlaw.com>, "Bradley Silverman (BSilverman@fbfglaw.com)" <BSilverman@fbfglaw.com>, Jason Ibey <jason@kazlg.com>, "Greg Blankinship (gblankinship@FBFGLaw.com)" <gblankinship@fbfglaw.com>, "Abbas Kazerounian, Esq. (ak@kazlg.com)" <ak@kazlg.com>, Matt Schultz <mschultz@levinlaw.com>

Dear Katelyn,

Thanks for the response. These are our thoughts:

- We are willing to accept discovery responses on the blue models (your list), which does not include all of the green models (our list). However, we are not willing to stipulate that we would never return to the court to get the green models too, or other models. Part of the reason for that is the inability to test whether the blue models are a sufficiently representative set without seeing the discovery produced, and without having had any deposition testimony on that topic. It is a little less than clear to us if you are trying to get us to agree that this is all the discovery we could ever get. If so, we cannot take that deal. How are we to read this?
- We need to know how long it will take Belkin to complete this production. As you know, from our standpoint, we sought this discovery back in April 2023 and have been waiting for the entire discovery period, which was already extended once. Now we finally have a possible agreement in sight, but we are five weeks from the discovery cutoff. When will you finish the full production?
- We are going to want a 30(b)(6) deposition or two and want the ability to use these documents at that deposition. We assume the documents may also lead to the identity of new witnesses (or, indeed, new RFPs, RFAs, or interrogatories we could have served). We want your agreement that you will work within the discovery cutoff—shortening the 30-day response time if need be—or that you will support an appropriate stipulation to extend discovery so we have time to meaningfully deal with the information you will tender (which, again, we did seek close to nine months ago). Can you agree to that?

If we can hammer this out, then great. If not, regrettably, we will take the green proposal to the court and will probably have to seek more time there. Please think on our questions and let me know what the answers are.

2/13/24, 3:46 PM

Kazerouni Law Group Mail - RE: Gromov/Belkin - representative sampling

Bill Cash III
Of Counsel

Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr, & Mougey, P.A.
316 South Baylen Street, Suite 600, Pensacola, Florida 32502
Phone: 850-435-7059
www.levinlaw.com

From: VanDoorne, Katelyn <Katelyn.Vandoorne@bakermckenzie.com>
Sent: Wednesday, January 24, 2024 5:01 PM
To: Bill Cash <bcash@levinlaw.com>
Cc: Totino, Edward <Edward.Totino@bakermckenzie.com>; Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Tracy Gilbert <tgilbert@levinlaw.com>; Bradley Silverman (BSilverman@fbfglaw.com) <BSilverman@fbfglaw.com>; Jason Ibey <jason@kazlg.com>; Greg Blankinship (gblankinship@FBFGLaw.com) <gblankinship@FBFGLaw.com>; Abbas Kazerounian, Esq. (ak@kazlg.com) <ak@kazlg.com>; Matt Schultz <mschultz@levinlaw.com>
Subject: RE: Gromov/Belkin

Bill,

Thank you for sending your proposal and explanation below. We have consulted with our client and, for purposes of resolving this issue without court intervention, are attaching our counterproposal. Belkin is willing to include in the sampling the items highlighted in blue in the attached spreadsheet. You'll see that, assuming you agree with this proposal, the sampling will include almost all of the models you proposed. The only models that you proposed that will not be included are two wireless models as these are substantially different products than the wired power bank that Mr. Gromov purchased.

As you know, Belkin believes that the sampling should be much more limited but is willing to compromise so as to conserve the Court's and parties' time. If an agreement is not reached and the issue is submitted to the Court, Belkin reserves the right to propose a more limited sampling.

Please let us know if we have an agreement.

Kind regards,
Katelyn

Katelyn VanDoorne
Associate, Litigation & Government Enforcement
Baker & McKenzie LLP
300 East Randolph Street, Suite 5000
Chicago, IL 60601 United States
Tel: +1 312 861 3700
Fax: +1 312 698 2878

EXHIBIT 3



Jason Ibey <jason@kazlg.com>

RE: Gromov/Belkin - representative sampling

VanDoorne, Katelyn <Katelyn.Vandoorne@bakermckenzie.com>

Tue, Jan 30, 2024 at 2:04 PM

To: Bill Cash <bcash@levinlaw.com>

Cc: "Totino, Edward" <Edward.Totino@bakermckenzie.com>, "Sims, Nancy" <Nancy.Sims@bakermckenzie.com>, Tracy Gilbert <tgilbert@levinlaw.com>, "Bradley Silverman (BSilverman@fbfglaw.com)" <BSilverman@fbfglaw.com>, Jason Ibey <jason@kazlg.com>, "Greg Blankinship (gblankinship@FBFGLaw.com)" <gblankinship@fbfglaw.com>, "Abbas Kazerounian, Esq. (ak@kazlg.com)" <ak@kazlg.com>, Matt Schultz <mschultz@levinlaw.com>

Bill,

Below you raise several points related to discovery. I am responding to each in turn:

- **The "representative sampling" should be limited to the items in blue.** As we mentioned in our prior email, Belkin believes that the sampling should be much more limited but is willing to compromise so as to conserve the Court's and parties' time. As the parties' prior correspondence shows, Belkin is willing to agree to a sampling that includes almost all of the models you proposed, except for two wireless models that are substantially different products than the wired power bank that Mr. Gromov purchased. Belkin will not agree to produce discovery on models other than those highlighted in blue at this time.
- **Belkin will endeavor to produce responsive, non-privileged documentation within its possession on a rolling basis, and at the latest, within 30 days of an agreement or order on the representative sampling.** As I'm sure you appreciate, until the parties' agree on a representative sample, Belkin does not know which specific models it needs to gather information for and review. However, once the parties reach an agreement, Belkin can gather the necessary information for production. We believe that some materials will be more readily available, and we will endeavor to produce those shortly after the parties reach an agreement. The other materials that will take longer to collect will be produced on a rolling basis. Presently, without the benefit of the agreed-upon sampling, our best estimate is that we can complete the production of these responsive, non-privileged documents within 30 days of the parties' agreement on the representative sampling.
- **Belkin is still awaiting 30(b)(6) topics.** Belkin first asked you to send the proposed topics for a 30(b)(6) witness in October 2023, yet we have not heard back. If you provide us this list, we can determine whether more than one witness will be necessary. While Belkin does not agree to shorten the 30-day response time or extend the discovery deadline at this time, if you have a proposal for an extended discovery schedule, we would be happy to consider it.

As I mentioned in my prior email, if you would like to discuss, I am generally available this afternoon or tomorrow morning.

Best,
Katelyn

Katelyn VanDoorne

Associate, Litigation & Government Enforcement

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EXHIBIT 4



Jason Ibey <jason@kazlg.com>

Gromov v. Belkin

VanDoorne, Katelyn <Katelyn.Vandoorne@bakermckenzie.com>

Wed, Feb 14, 2024 at 4:26 PM

To: Bradley Silverman <BSilverman@fbfglaw.com>

Cc: Jason Ibey <jason@kazlg.com>, Bill Cash <bcash@levinlaw.com>, Gil Melili <gil@kazlg.com>, "Sims, Nancy" <Nancy.Sims@bakermckenzie.com>, "Totino, Edward" <Edward.Totino@bakermckenzie.com>

Brad,

Belkin will not stipulate to an extension of the discovery cutoff, but does not intend to oppose your motion to extend the discovery deadline. In the event that the discovery cutoff in this case is extended, it should be extended for both parties.

Best,
Katelyn

Katelyn VanDoorne

Associate, Litigation & Government Enforcement

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